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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/453,729	12/02/99	ROGERS	<sup>onK</sup> D 1368 (TOUCHST

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IM22/1005

EXAMINER

MEDLEY, M

ART UNIT	PAPER NUMBER
1714	2

DATE MAILED: 10/05/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/453,729

Applicant(s)

ROGERS

Examiner

MEDLEY

Group Art Unit

1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-11 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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It is suggested that Applicants should review the application for any errors.

The disclosure is objected to because of the following informalities: On page 32 and other pages of the instance application a space should be inserted between the numeric "value" and "g/cm<sup>3</sup>" and any other numeric expression; and 1/4" should be corrected to read --- 1/4"---.

Appropriate correction is required.

Claims 1-11 are objected to because of the following informalities: Claim 1, line 3 should be corrected to read 0.8 g/cm<sup>3</sup>; and in claim 6, line 2 a space should be inserted between "500" and "psi". In each of claims 1-11 the "," should be substituted with a "." for clarity. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is indefinite for line 1 "controlled" which may be overcome with the insertion of -- - cooling --- after "controlled". Claims 9-11 are indefinite and confusing for "The laminated sheet product of claim 8" which have no basis nor support from claim 8. Claims 9-11 directed to

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laminated metal, resins, etc product or article claims and improperly depend from method claim 8 for producing a porous coal - based product from coal.

Claims 9, 10 and 11 recite the limitation "The laminated sheet product of claim 8 said material, said sheet core, and said sheet core respectively" in line 1. There is insufficient antecedent basis for the said limitation in each of the claim.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harnett 3,309,437.

Harnett teaches a porous based product having compressive strength typically in excess of 5,000 psi (note column 4, lines 1-9) when heated to 950° C and an apparent density of 0.93 g/cc (note Table 1 for Examples 4 and 5) and further graphitizing (note column 5, lines 20-44) which anticipates Applicant's claims 1-4. Patentee's apparent density of 0.93g/cc anticipates Applicant's apparent density of between about 0.1 and about 0.8 g/cm<sup>3</sup> because about 0.8 g/cm<sup>3</sup> reads on 0.93 g/cc .

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harnett 3,309,437 in view of Koppelman 4,127,391.


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Harnett teaches a process for producing porous coal - based product produced from coal comprising heating coal particles in a mold, carbonizing at a temperature over 600° C at heat rate of 10° C, cooling said carbonized body and further graphitizing said carbonized body, note in the entirety, especially Examples 1-2 and 3-12 of Table 1, column 1, line 51 to column 2, lines 1-35, column 3, lines 1-22 and 49 to column 4, lines 1-65 and column 6.

Applicants claimed process differs from that of the prior art in that the instant process comprises a soaking step and a controlled cooling step. It is Examiner's position that the inclusion of a soaking step and controlled cooling step would be obvious in view of Koppelman. Koppelman teaches a soaking and control cooling step after a carbonizing step for treating coal, note the bridging paragraph of columns 6 and 7. It would be obvious to one of ordinary skill in the art to add the soaking and control cooling steps of the secondary reference to the process of the primary reference as the cooling step because two or more conventional steps to achieve the same cooling steps render the claims obvious.

The references cited but not applied further teach coal products and processes of the same nature as claimed by Applicants.

Any inquiry concerning this communication should be directed to Margaret B. Medley at telephone number (703) 308-2518.

  
**MARGARET MEDLEY**  
**PRIMARY EXAMINER**  
**GROUP 1100**

Margaret B. Medley/om  
September 27, 2000